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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,616	12/22/2000	Robert Eugene Krautkramer	659/773	4594
757	7590	02/10/2004		
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60611			EXAMINER PRONE, JASON D	
			ART UNIT 3724	PAPER NUMBER 22
DATE MAILED: 02/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,616

Applicant(s)

KRAUTKRAMER ET AL.

Examiner

Jason Prone

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 1-30, 43, 45, 46 and 48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-42, 44 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 31-36 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Ehm et al.

Ehm et al. discloses the same invention including a cutting device (6), a pocket (4) with an open end (Fig. 1), a closed end (Fig. 1), a first planar surface (4b), a second planar surface larger than the first surface (Fig. 1, across from 4b), a concave surface between the planar surfaces (Fig. 1), a plurality of channels situated in the pocket (Fig. 6), a sprocket supporting the pockets (Fig. 1), that the sprocket rotates about an axis (7), that the distance between the first and second planar surfaces is greater than the diameter of the work piece (Fig. 1), that the cutting device exerts a force on the log (Fig. 2), that a first surface and the concave surface counterbalance the force exerted by the cutting device (Fig. 1), that the cutting device passes through the channels (Fig. 6), and that sprocket supports a plurality of pockets (4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3724

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Ehm et al. in view of Bush, Jr. et al. Ehm et al. discloses the invention including that the cutting device comprises a circular saw blade (6) but fails to disclose a plurality of circular saw blades. Bush, Jr. et al. teaches the use of a plurality of circular saw blades (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Ehm et al. a plurality of saw blades, as taught by Bush, Jr. et al., to create a more efficient cutting apparatus.

5. Claims 38-41 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehm et al. in view of Bush, Jr. et al. Ehm et al. in view of Bush, Jr. et al. disclose the invention including a pocket with a base defining a horizontal axis (4), an open and closed end (Fig. 1), first planar surface (4b), a second planar surface (Fig. 1), and a curved surface (Fig. 1) but fail to disclose that the first planar surface has a width less than 25 mm and a length between 50 mm and 360 mm, that the second planar surface has a width less than 155 mm and a length between 50 mm and 360 mm, that the concave surface has a radius of curvature between 12 mm and 130 mm, that the planar surfaces are 60 degrees above the horizontal axis, and that the planar surfaces are separated by 50 mm and 250 mm. It would have been an obvious matter of design choice to change the planar surfaces and the concave surface, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehm et al. in view of Bush, Jr. et al. Wheless discloses the invention including a plurality of pockets (4) that support the work piece along its length (Fig. 6), that the pockets are configured to maintain the work piece in the pockets without the use of an external structure (Fig. 1) and that the blade puts a vertical force on the work piece (8), and a circular saw blade (6) but fails to disclose a plurality of circular saw blades. Bush, Jr. et al. teaches the use of a plurality of circular saw blades (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Ehm et al. with a plurality of saw blades, as taught by Bush, Jr. et al., to create a more efficient cutting apparatus.

Response to Arguments

7. Applicant's arguments with respect to claims 31-42, 44, and 47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Porter, Bruce, Weber et al., Bruestle, Renard et al., Fulton, Zitner, Heier, Allard, St-Pierre et al., Newnes, and Wierschke et al.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



JP
February 2, 2004



Allan N. Shoap
Supervisory Patent Examiner
Group 3700